

Panama Canal Regulations

§ 104.8

in accordance with §135.13(b) of this chapter, shall be \$0.23 per Panama Canal Gross Ton, as specified on the last tonnage certificate issued to the vessel by Canal authorities between March 23, 1976 and September 30, 1994, inclusive, plus \$0.26 per PC/UMS Net Ton of on-deck capacity, or \$1500, whichever is greater.

(c) Whenever the total number of vessels awaiting transit at both termini of the Canal is projected by Canal authorities to be, within 2 days, 90 or more vessels for at least 2 consecutive days, any vessel booked for transit that transits the Canal while this condition is in effect, shall automatically be assessed a booking fee of \$0.69 per PC/UMS Net Ton, or \$4000, whichever is greater.

(d) Notwithstanding the provisions of paragraph (c) of this section or any other contrary provision of this part, Canal authorities will guarantee a vessel booked for transit, a reserved transit slot at the booking fee rate in effect at the time the vessel is booked for transit, irrespective of any premium booking fee rate that may be in effect at the time the vessel actually transits the Canal.

§ 104.7 Penalties.

(a) The reserved transit slot of a vessel booked for transit will be canceled by Canal authorities and a penalty fee assessed in a sum equal to the prescribed booking fee, or \$1500, whichever is greater, in the following situations:

(1) When a vessel that is subject to transit restrictions (e.g., clear cut, clear cut daylight) has been booked for transit and does not arrive at a terminus of the Canal by 0200 hours of the day of the scheduled transit;

(2) When a vessel that is not subject to transit restrictions has been booked for transit and does not arrive at a terminus of the Canal by 1400 hours of the day of the scheduled transit; or

(3) When a vessel booked for transit arrives on time but cannot or, at the vessel operator's election, does not transit as scheduled, despite the readiness of Canal authorities to proceed.

(b) Canal authorities may waive assessment of a penalty fee if the vessel agent presents acceptable proof that late arrival of the vessel was due to a

medical or humanitarian emergency arising during the voyage, or a naturally occurring, extraordinary phenomenon or event of major proportions that could not have been reasonably predicted in advance.

(c) Failure of the vessel agent to provide complete and accurate information required by Canal authorities when requesting transit bookings may result in rejection of the booking request or cancellation of the vessel's reserved transit slot.

(d) When a vessel's reserved transit slot is canceled, and unless otherwise directed by the vessel agent, upon arrival, Canal authorities will re-schedule the vessel for regular transit.

§ 104.8 Re-scheduling.

(a) Except as otherwise provided and without the vessel booked for transit being assessed a penalty fee, the vessel agent may request cancellation of a vessel's reserved transit slot and re-scheduling of the vessel for regular transit or, alternatively, may request assignment of an alternate reserved transit slot, in the following situations:

(1) If for whatever reason Canal authorities cancel the transit of a vessel booked for transit that is otherwise ready to proceed as scheduled; or

(2) If for whatever reason Canal authorities delay the transit of a vessel booked for transit to such a degree that the delay is likely to cause the vessel to be unable to meet its required arrival time for a later, second reserved transit, booked before the delay of the first reserved transit occurred.

(b) A vessel booked for transit will be deemed to have transited the Canal on its reserved transit date if the vessel arrives at the first set of locks at either terminus of the Canal prior to 2400 hours that day and its in-transit time (ITT) is 18 hours or less. ITT begins when the vessel enters the first set of locks at either Canal terminus and ends when the vessel departs the last set of locks at the opposite terminus. No booking fee will be charged if, due to events that are beyond the control of the vessel booked for transit, as determined by Canal authorities, ITT exceeds 18 hours; except that this provision shall not apply in the case of a